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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/669,610

09/23/2003

Ivano Gagliardi

CM2699

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08/09/2006

THE PROCTER & GAMBLE COMPANY
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EXAMINER

HAND, MELANIE JO

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,610

Applicant(s)

GAGLIARDI ET AL.

Examiner

Melanie J. Hand

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9, 11, 12, 14, 15, 19-25 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 11, 12, 14, 15, 19-25 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/11/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Remarks, filed May 16, 2006, with respect to the objections to claims 5 and 8 have been fully considered and are persuasive. The objections to claims 5 and 8 have been withdrawn.

Applicant's arguments with respect to the rejection of claims 1-7, 2, 11, 12, 14, 15, 19, 21-25 and 31 over Luizzi have been fully considered but they are not persuasive. Luizzi does teach that the layer is zone coated in a rectangular pattern, as applicant correctly notes, however Examiner wishes to clarify the position taken by Examiner in the rejections that each dot or rectangle, for example, of adhesive composition defines a single unattached zone with respect to adjacent dots or rectangles of adhesive.

Applicant's arguments with respect to the rejection(s) of claim(s) 9 and 20 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a different interpretation of the previously applied prior art reference of Luizzi. Luizzi teaches an absorbent capacity of 10 g/g, which anticipates the limitations of claims 9 and 20.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on April 11, 2006 was filed after the mailing date of the Application on September 23, 2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-7, 9, 11, 12, 14, 15, 19-25 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Luizzi (EP 1,013,291 A1).

With respect to **Claims 1,19**: Luizzi teaches sanitary napkin 1 having topsheet 10, backsheet 20 and a patterned coated layer of absorbent adhesive 50 (absorbent element) located between said topsheet and said backsheet. Luizzi teaches that the adhesive 50 is comprised of a liquid absorbent thermoplastic composition and therefore is capable of functioning as a storage layer. The liquid-absorbing thermoplastic composition comprises a polymeric base material having hydrogel particles (i.e. particles of water-insoluble, water-swellaable absorbent material). ('291, ¶¶ 0009,0015,0017) Luizzi teaches that the adhesive composition has an absorbent capacity of approximately 10 g/g, thus satisfying the limitation of claim 1. ('291, ¶ 0033) As can best be seen in Fig. 3, Luizzi teaches a coating pattern for said liquid absorbent thermoplastic adhesive comprised of a plurality of spaced apart, unattached zones. Additionally, with respect to claim 19, said liquid thermoplastic adhesive composition is comprised of aqueous, liquid-absorbing thermoplastic hydrogel material present in an amount between 1-60% by weight of the total weight of the layer 50 formed with said adhesive composition (absorbent element). ('291, ¶ 0009)

With respect to **Claim 2**: Liquid thermoplastic adhesive 50 is comprised of aqueous, liquid-absorbing thermoplastic hydrogel material present in an amount between 1-60% by weight of

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the total weight of the layer formed with said adhesive composition (absorbent element). ('291, ¶ 0009)

With respect to **Claims 3-5,21-23**: With respect to claims 3 and 21, since zones of adhesive also comprise other particles, the area covered by each adhesive zone would be at least the area of an SAP particle, or at least 0.007 cm^2 . With respect to claims 4 and 22, Luizzi teaches a particle size for the SAP particle of less than 150 microns or less than 0.15 mm. ('291, ¶ 0018). Adjacent zones would be spaced apart by a distance equal to at least the diameter of one SAP particle, or at least 0.15 mm. With respect to claims 5 and 23, as can best be seen from any of Figs. 1, 3, 6 or 10, the patterned absorbent element layer 50 of thermoplastic adhesive extends substantially the entire length and width of the article and would clearly therefore have a total surface area greater than 1 cm^2 .

With respect to **Claims 6,7,24,25**: As can best be seen in Fig. 1, Luizzi teaches that the patterned absorbent element layer 50 comprises a plurality of adhesive dots (claims 7,25) that are regular in shape (claims 6,24).

With respect to **Claims 9,20**: Luizzi teaches that the adhesive composition has an absorbent capacity of approximately 10 g/g, thus satisfying the limitations of claims 9 and 20. ('291, ¶ 0033)

With respect to **Claim 11**: Luizzi teaches that the adhesive absorbent element layer 50 is comprised of a liquid absorbent thermoplastic composition and therefore is capable of

functioning as a storage layer. Therefore Luizzi teaches a storage layer consisting of said liquid absorbent thermoplastic composition.

With respect to **Claim 12**: Liquid thermoplastic adhesive 50 is comprised of aqueous, liquid-absorbing thermoplastic hydrogel material present in an amount between 1-60% by weight of the total weight of the layer formed with said adhesive composition (absorbent element). ('291, ¶ 0009) The composition comprises 40 wt% superabsorbent particles (the hydrogel particles), therefore satisfying the limitations of claim 12.

With respect to **Claims 14,31**: Luizzi teaches a transfer layer 470 (Fig. 5), i.e. a fluid distribution layer, sandwiched between the topsheet and absorbent adhesive fluid storage layer 50. ('291, ¶ 0024)

With respect to **Claims 15,32**: Since Luizzi teaches that adhesive coating 50 can also be disposed between cover layer 10 and core 30, which is comprised of superabsorbent fibers, the absorbent element 50 functioning as a storage layer overlies at least one fibrous layer.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand
Examiner
Art Unit 3761

MJH

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER



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